

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Establishment – Revenue Department – Village Administration – Karimnagar District – Order of the Hon'ble Tribunal dated 21.12.2010 in O.A.No.5601/2010 filed by Sri B.Hari Kishore, S/o B.Jalapathi Rao, Village Assistant Officer., Sircilla, Karimnagar District – Request for providing compassionate appointment as Village Revenue Officer consequent on the death of his father – Considered – Orders – Issued.

REVENUE (VA) DEPARTMENT

G.O.Rt.No. 1218

Dated: 13.10.2011
Read the following:-

- 1.Govt. Memo No. 41295/VA-1/2010 dt: 13.9.2010 & 28.10.2010.
- 2.From APAT, Hyderabad Orders dated 21.12.2010 in O.A.No.5601/2010 filed by B.Harikishore, Un-employee, Karimnagar District
- 3.Govt.,Memo No.41295/VA.1/2010-3,Rev(VA)Dept., Dt. 07.03.2011
- 4.From the CCLA, A.P., Hyderabad Lr.No.A1/1024/2010 dated:02.04.2011 along with report of the District Collector, Karimnagar vide Lr.No.A4/3243/2001, dated 29.01.2011.

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ORDER:

In the reference 4th read above, the Chief Commissioner of Land Administration, A.P., Hyderabad, while furnishing the report of the District Collector, Karimnagar has requested to issue necessary orders in the matter.

2. The District Collector, Karimnagar, vide his letter dated 29.01.2011 has informed that Sri B.Jalapathi Rao, while working as VAO, Siricilla unit expired on 29.06.2001 and Sri B.Harikishore S/o late Jalapathi Rao had represented for providing employment on compassionate grounds on 24.07.2001. The date of birth of applicant is 29.05.1982. According to Rule 8 (2) of APVAOs Service Rules – 1990, the applicant, who applied for compassionate appointment under the said service rules, shall complete the age of (20) years but in this case the applicant had not completed the required age of (20) years as on the date of application. Hence, the MRO, Siricilla had informed the applicant that his request could not be considered. There upon Sri B.Harikishore, filed O.A.No.7287/2007 before the APAT and the APAT, in it's final order dated 03.03.2010, directed the respondents to pass appropriate orders as per rules, on the representation of the applicant for appointment on compassionate grounds by taking into consideration the G.Os inforce as on the date of death of his father and as on the date of representation of the applicant within three months from the date of receipt of copy of the order. The case has been examined again by the District Collector, Karimnagar with reference to the records and APVAO Service rules,1990 and passed orders for payment of exgratia of Rs.25,000/- to the family of the applicant in lieu of compassionate appointment as per the G.O.Ms.No.446 Rev (VO) Dept dated 24.07.2002, as the applicant had not completed the age of (20) years as on the date of death of his father.

3. Aggrieved by the said orders Sri B.Harikishore S/o Jalapathi Rao has again filed O.A.No.5601/2010 before the APAT and the APAT, in its final orders dated 21.12.2010, has held that the impugned orders, rejecting the case of the Applicant for compassionate appointment is bad under law and the O.A., is allowed. The Respondents were further directed to consider the case of the Applicant for appointment as VRO by extending the same benefit that was given in G.O.Rt.No.820, Rev, Dept., dated 31.03.2008 and also G.O.Rt.No.2261 Rev. Dept., dated 18.12.2008 and pass necessary orders within a period of 8 weeks from the date of receipt of this order.

(P.T.O)

4. The District Collector, Karimnagar has finally stated that according to Rule 8 (2) of APVAO's Service Rules-1990, the applicant, who applied for compassionate appointment under the said service rules, shall complete the age of (20) years, whereas as per Rule (6) of A.P. VROs Service rules, 2008, the other service conditions which are not covered in these rules shall be as prescribed in the A.P. State & Subordinate Service Rules, 1996 and also as per the amendments issued from time to time in the matter. As per rule 12 (v) of the APS&SSR, 1996, no person shall be eligible for direct recruitment, if he is less than 18 years of age and the date of the birth of the applicant is 29.05.1982 and he has completed (19) years (01) month only as on date of death of his father. The District Collector, Karimnagar requested to issue necessary instructions in the matter for taking further action.

5. As per para 2 (v) of G.O.Ms.No. 612 GA (Ser.A) Department dated 30.10.1991, as the object of the social security scheme is to give immediate relief to the distressed family of the deceased Government employee, a minor who does not attain majority within two years as specified in Government Memo No.618/SER.A/78-11, GAD, dt.17.12.1979, after the demise of the Government employee, shall not be considered for appointment. In such cases it is decided to grant ex-gratia to the widow/dependent of the deceased employee. As per item 13 in Government Memo No.618/SER.A/78-11, GAD, dt.17.12.1979, a minor dependent of employee who dies in harness should not be considered for providing employment under this scheme, as there cannot be any contractual obligation between the Government and the employee who is a minor. The intention of the Government being to see that the family is not exposed to destitution, the relief by taking somebody for employment, should be immediate. Therefore, a spouse or a child of the deceased Government servant should immediately apply for this relief. However, in case where due to the fact that the child is minor or he has not attained the educational qualifications, it should be possible for them to ask for the relief within a reasonable time, which may be two years from the date of demise of the Government servant. In such a case, the fact should be communicated to the Government.

6. In the instant case, the applicants father Sri B.Jalapathi Rao, expired on 29.06.2001 and Sri B.Harikishore S/o late Jalapathi Rao has represented for providing employment on compassionate grounds on 24.07.2001. The applicant had not completed 20 years age as on the date of making application and as on the 1st July of the year, in which the applicant made representation, but, completed 20 years of age with in one year from the date of death of his father (i.e., by 29.06.2002), which is the maximum time limit for making an application for compassionate appointment. The applicant completed 20 years of age by 29.05.2002, as his date of birth is 29.05.1982.

7. As per Rule 12 of the then A.P. Village Administrative Officers' Service Rules, 1990, the spouse / dependent children of the VAO, who dies in harness before attaining the age of 62 years, shall be appointed as Village Administrative Officer. But, in G.O.Ms.No.14, Revenue (VO) Dept., dated 15.01.2002, Government issued orders rescinding the APVAOs Service Rules 1990 issued in G.O.Ms.No.943, Revenue (VO) Dept., dated 7.11.1990 and published in the AP Gazette dated 8.11.1990. It has been ordered that the notification shall be deemed to have come into force with effect from the 1st January 2002 and as such the A.P. Village Administrative Officers Rules 1990 are in force up to 31.12.2001. Subsequently, in G.O.Ms.No.446, Revenue (VO) Dept., dated 24.7.2002, Government issued orders sanctioning exgratia of Rs.25,000/- to the dependents of the Village Administrative Officers who died in harness in lieu of the compassionate appointment.

8. Government have examined the entire issue keeping in view the orders of the APAT in the reference 1st read above and also orders issued in G.O.Ms.No.272, Revenue (VO) Department, dated 23.5.2002 hereby clarify that the orders issued in G.O.Ms.No.446, Revenue (VO) Dept., dated 24.7.2002 will

not apply to the case of the applicant since his case pertains to the year 2001 whereas the APVAOs Rules were rescinded with effect from 1.1.2002.

9. Therefore, Government hereby order that Sri B.Hari Kishore, S/o B.Jalapathi Rao, V.A.O., Sircilla, Karimnagar District be appointed as Village Revenue Officer on compassionate grounds in terms of orders issued in G.O.Ms.No.272, Revenue (VO) Department, dated 23.5.2002 subject to satisfying the conditions and other eligibilities stipulated in A.P.VROs Service Rules, 2008.

10. The Chief Commissioner of Land Administration, A.P., Hyderabad/the District Collector, Karimnagar District shall take necessary further action in the matter accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**ASUTOSH MISHRA
PRINCIPAL SECRETARY TO GOVERNMENT**

To

The Chief Commissioner of Land Administration, A.P., Hyderabad

The District Collector, Karimnagr District

The Accountant General, A.P., Hyderabad

Copy to:

1) The Director of Treasuries & Accounts, A.P., Hyderabad

2) The District Treasury Officer, Karimnagar District

3) The PS to Spl. C.S to CM /PS to M(Revenue) / PS to Prl.Secy(AM)

4) Sri B.Hari Kishore,S/o B.Jalapathi Rao, V.A.O.,Sircilla, Karimnagar Dist.,
through the District Collector, Karimnagar.

5) The G.P for Rev (Ser), A.P.A.T., Hyderabad

6) S.F / S.C

//FORWARDED BY ORDER//

SECTION OFFICER.